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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,260	07/24/2003	Sidney M. Weiser	SYN.P.US0039	9583

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RENNER, KENNER, GREIVE, BOBAK, TAYLOR & WEBER  
FIRST NATIONAL TOWER FOURTH FLOOR  
106 S. MAIN STREET  
AKRON, OH 44308

EXAMINER
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RUDDOCK, ULA CORINNA

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/626,260

Applicant(s)

WEISER ET AL.

Examiner

Ula C. Ruddock

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The Examiner has carefully considered Applicant's response filed June 27, 2005. The objections to the claims have been overcome.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohannon, Jr. (US 6,855,650) in view of Lancaster (US 5,849,645) and Freed (US 5,326,192). Bohannon, Jr. discloses a synthetic fiber filled erosion control blanket. The netting and loose fiber filler construction permits blankets or mats of this kind to be fairly light in weight and also to permit the ingrowth of grasses and other vegetation into and through the blanket. The netting primarily serves to hold the loose fiber filler together (col 1, ln 56-61). It should be noted that the Examiner is equating the fiber filler of Bohannon, Jr. to the nonwoven mat of the present invention. The top and bottom sheets generally resemble an open-mesh material or netting and the filler material for use in the erosion control blanket is made up of a plurality of crimped polymer fibers which form a three-dimensional matrix between the top sheet and the bottom sheet. The filler material can be made of polyethylene terephthalate (col 2, ln 44-57). The netting is formed of polyethylene, polypropylene, or other suitable polyolefin (col 3, ln 56-59). The PET fibers of the fiber filler have a denier size of about 15-500 (col 5, ln 1-2) and a length of 5.75-6.25 inches (col 6, ln 61-64). The top and bottom sheets are stitched together (col 6, ln 61-62). Bohannon, Jr. discloses the claimed

invention except for the teaching that the layers are stitched with a polymer yarn and that the mat comprises multi-dimensional polymer fibers.

Freed (US 5,326,192) discloses a method for the improvement of appearance and performance characteristics of turf surfaces. The reinforcing material include fibers, such as olefins, that have rectangular, square, or multi-lobal cross-sectional configurations to further enhance soil cohesion (col 3, ln 43-53 to col 4, ln 1-13).

Lancaster (US 5,849,645) discloses a reinforced composite matting used for environmental soil erosion control (col 6, ln 28-29). The composite matting includes a bottom netting, fiber matrix, top netting that are secured together by stitching strands made of polyester black thread, thereby sandwiching and trapping the fiber matrix materials there between (col 5, ln 22-32).

It would have been obvious to have used the multi-lobal fibers of Freed and the polyester stitching thread of Lancaster in the erosion control blanket of Bohannon, Jr., motivated by the desire to create an erosion control blanket that increased soil-cohesion and increased structural integrity.

***Rejection is maintained.***

#### ***Response to Arguments***

4. Applicant's arguments filed June 27, 2005, have been fully considered but they are not persuasive for the reasons set forth. Applicant argues that the present invention is not used by mixing it into or burying it in soil, but rather on top of the soil. This argument is not persuasive because it is not commensurate in scope with the claims. The claims do not specify the placement of the mat. Applicant argues that the integrity of the Bohannon product is a result of the netting layers holding the fiber fill, whereas the present invention employs a non-woven mat of multi-lobed

fibers to break up the flow and energy of water. This argument is not persuasive because Applicant does not require that the integrity of their product be a result of the presence of multi-lobal fibers. Applicant further argues that their nonwoven mat is not the equivalent of Bohannon's fiber filler. This argument is not persuasive because the fiber filler material of Bohannon is a nonwoven type of material. Applicant also argues that Freed does not provide an incentive for combination with Bohannon. This argument is also not persuasive because Freed specifically mentions that the rectangular, square, and multi-lobal cross-section configurations further enhance soil cohesion (col 4, ln 6-8). It should be further noted that Applicant fails to provide arguments for the Lancaster (US 5,849,645) reference.

### ***Conclusion***

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C. Ruddock whose telephone number is 571-272-1481. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UCR

*UCR*

*Ula Ruddock*  
**Ula C. Ruddock**  
Primary Examiner  
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